

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COMPUWARE CORPORATION,
a Michigan Corporation,

Case No. 04-73749

Plaintiff/
Counterclaim Defendant,

District Judge Anna Diggs Taylor

Magistrate Judge R. Steven Whalen

v.

OPNET TECHNOLOGIES, INC.,
a Delaware Corporation,

Defendant/
Counterclaim Plaintiff.

ORDER DISMISSING RULE 34 MOTION AS MOOT

Before the Court is Plaintiff's Motion to Compel Defendant to Comply with Rule 34 [Docket #114], relating to the format in which Defendant has provided documents. Defendant states that Plaintiff first agreed to have the documents produced in Tagged Image File Format (TIFF), then agreed to paper format, and finally, requested that documents be provided in electronic native format. However, in its Reply Brief, Plaintiff now states:

"OPNET has finally complied with Rule 34 by providing documents to Compuware in their native format. Compuware is in the process of reviewing those documents to verify that all of the requested documents have been produced. Assuming they have, Compuware's motion served its purpose."

Therefore, Plaintiff's Motion to Compel [Docket #114] will be DISMISSED AS

MOOT, with the proviso that, since the parties are now in agreement as to the proper format, any of the requested documents which have not been produced, through inadvertence or otherwise, will be provided in electronic native format.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: January 17, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on January 17, 2006.

S/Gina Wilson
Judicial Assistant